

BOARD OF LICENSE COMMISSIONERS

City Hall, 718 Main Street

Fitchburg MA 01420

(978) 345-9557

William A. Judge, Chairman

Robert A. Bourque

David F. Arsenault

MINUTES OF MEETING

The regular meeting of the Board of License Commissioners was held on September 3, 2008 in the Veterans Memorial Room, City Hall, Fitchburg, and called to order by Chairman Judge at 6:00 PM. Commissioners Robert Bourque and David Arsenault were present. For the record, this meeting was recorded.

I. REVIEW AND ACCEPTANCE OF MINUTES FROM THE PREVIOUS MEETING.

The minutes from the meetings held on July 21, 2008 and August 18, 2008 were reviewed, approved and signed.

II. NEW APPLICATIONS

Paul Goguen & Chris Iosua – Café Destare for Special One Day All Alcoholic Beverages License for Bicycle Ride for Charity from 1PM to 2AM on September 14, 2008 (Rain Date of September 21, 2008) at 320 Main St. **Mr. Chris Iosua was present. Application was amended to the date of September 28 with a rain date of October 4 and a time change of 11AM to 2AM. Approved as amended 3/0.**

Compass Group NA/ dba Chartwells for Special One Day Wine and Malt Beverages License for a Reception from

5PM – 9PM on October 4, 2008.

Mr. Phil Bowers present. Approved 3/0.

Eastwood Club, 389 Townsend St. for Change of Manager to James B. Raymond.

Mr. James Raymond present. Approved 3/0.

James B. Raymond, Eastwood Club, 389 Townsend St., for Special One Day Wine and Malt Beverages License for a Family Outing from 11AM – 5PM on September 13, 2008 at 389 Townsend St. outside in the rear parking lot. (To replace previously approved license for September 6, 2008)

Mr. James Raymond present. Approved 3/0.

Friends of the Fitchburg Senior Center for Special One Day All Alcoholic Beverages License for a Rotary Dinner from 3PM – 8PM on September 24, 2008.

Mr. Jon Ricciutti present. Approved 3/0.

Friends of the Fitchburg Senior Center for Special One Day All Alcoholic Beverages License for a Country Band & Dance from 6PM to 12MN on September 13, 2008.

Mr. Jon Ricciutti present. Approved 3/0.

Friends of the Fitchburg Senior Center for Special One Day All Alcoholic Beverages License for a Jazz Brunch from 12 noon to 4PM on September 14, 2008.

Mr. Jon Ricciutti present. Approved 3/0.

Common Ground, 480 & 488 Main St. for an Air Hockey Table. (Viana)

Mr. Joey Brogna present. Approved 3/0. Note that the Automatic Amusement Permit will now read, "Four Pool Tables and One Air Hockey".

Espresso Pizza, 584 Main St. for a Juke Box. (A-Z)

Mr. Tony Zekos present. Approved 3/0

Late Filed Application for Flesh By Design, 179 Main Street for three (3) Videos. (A-Z)

Mr. Tony Zekos present. Approved 3/0.

Sage Restaurant Manager LLC, 150 Royal Plaza Drive, for Change of DBA to Courtyard Fitchburg and Alteration of Premises to include an expansion of the first floor of the hotel for an indoor water resort/park.

Present were Mr. James Wolfe, Manager and Ms. Karen Simao.

Change of DBA approved 3/0.

Application for Alteration of Premises sent to a Public Hearing on October 6, 2008.

Applicant is to send plan of alterations and written description to the Clerk within one week for advertising purposes.

III. CONTINUED APPLICATIONS

St. Joseph's Monthly Dance for Special One Day All Alcoholic Beverages License for a Dance on September 20, 2008 from 7PM to 11:30PM.

Ms. Cheryl Girouard present. Approved 3/0.

Steve Smith, St. Bernards's PTO for Special One Day Wine and Malt Beverages License for Comedy Night from 6PM to 12AM at 254 Summer St.

Mr. Steve Smith present. Approved 3/0.

IV. SUMMONS HEARING

Fourteen Mill Street Corp., d/b/a The Cellar, 14 Mill St. for Disturbance on Premise FPD Report # 08-22799.

Mr. Fred Blake, Manager and FPD Sergeant Matthew Lemay were present.

Sgt. Lemay reiterated the details of police report 08-22799. The last paragraph of the report was read aloud verbatim.

It reads as follows: "I then went to speak to the Wine Cellar staff and advised the bartender Mr. Hartwell that it was my opinion that at no time during the time that I was present tonight did the staff have any control over their patrons. I advised Mr. Hartwell that I observed an individual not of legal age on the outside patio area during the commotion. I also advised Mr. Hartwell of the earlier incident involving the homeless man. I advised Mr. Hartwell of all of the cans and cups of alcohol that I observed in several of the patrons hands leaving the designated area. It is my opinion that the Thursday night crowd has grown completely out of control. The prior two weeks I had to stop and speak with the door staff about allowing the patrons to be outside of the designated area with alcohol. On these two nights patrons were observed drinking on the sidewalk next to Boulder Drive."

Mr. Blake stated that he had left The Cellar at 11PM the night of the incident and that his designated manager, Mr. Hartwell was present. The Commission reviewed the outdoor floor plan and location of door guards with Mr. Blake. Lengthy discussion ensued pertaining to the events in question and the outdoor seating area at The Cellar.

DECISION: Due to evidence that The Cellar allowed alcohol outside of the designated outdoor seating area, the outside area is to be reduced to the area from the manhole cover extending forty five feet to the cement planter. This area is fourteen feet wide.

Vote on this decision was 2 in favor and 1 opposed (Bourque)

V. OTHER

- Taxi Driver applications

Tammy Johanna Arguelles: Approved for two years pending receipt of RMV change of address sticker

Nicholas Ryan Strout: Approved for two years.

Nathan Thomas: Approved for two years.

Roy Brettschneider: Approved for two years.

Scott Aubuchon: Hold until Commissioner Arsenault reviews regulations.

- Any other matter that may come before the Commission as time permits
Special Meeting to be posted for Tuesday, September 9, 2008 at 8:30AM at The Best Western Hotel/Courtyard Marriott, 150 Royal Plaza Drive, Fitchburg to review the licensed premises at the waterpark currently under construction.

The meeting recessed at 8:26 PM. so that the Commissioners could drive to and reconvene at The Cellar, 14 Mill St. to review the Outside Seating area with Mr. Fred Blake.

The review of The Cellar outside seating area was conducted.

The meeting adjourned at 8:55 PM.

Respectfully submitted,

Anna M. Farrell, Clerk
Approved:

William A. Judge

Robert A. Bourque

David F. Arsenault